



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed January 7, 2022


United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§	
	§	Case No. 21-31488-sgj11V
WATTSTOCK, LLC,	§	
	§	Chapter 11
Debtor.	§	Subchapter V
-----	§	
	§	
WATTSTOCK, LLC,	§	Adv. No. 21-03083-sgj
Plaintiff,	§	
	§	(Civ. Action No. 3:21-cv-03183-X)
v.	§	
	§	
ALTA POWER LLC,	§	
Defendant, Counter-Plaintiff, and	§	
Third-Party Plaintiff,	§	
	§	
v.	§	
	§	
WATTSTOCK, LLC	§	
Counter-Defendant, and	§	
	§	
GENERAL ELECTRIC	§	
INTERNATIONAL, INC., d/b/a GE	§	

POWER SERVICES, §
Third-Party Defendant. §
_____ §

REPORT AND RECOMMENDATION TO DISTRICT COURT ON
MOTION TO WITHDRAW THE REFERENCE [DE # 3]

Before this court is a Motion to Withdraw the Reference filed December 13, 2022, by Alta Power LLC (“Alta”), the Defendant (and also a Counter-Plaintiff and Third-Party Plaintiff), in the above-entitled adversary proceeding. By way of background, this adversary proceeding was originally commenced in the Dallas County District Court on June 16, 2020, and was removed on November 9, 2021 by the Plaintiff, Wattstock, LLC, after it filed a voluntary chapter 11 bankruptcy case on August 17, 2021. The bankruptcy court conducted a status conference concerning the Motion to Withdraw the Reference on January 6, 2022, pursuant to 11 U.S.C. § 105(d); L.B.R. 5011.1. After conferring with counsel for the parties to this proceeding at the status conference, the bankruptcy court submits the following report to the United States District Court:

1. Wattstock, LLC, the Plaintiff, filed a response opposed to the Motion to Withdraw the Reference at DE # 8, but it orally withdrew its opposition through its counsel at the January 6, 2022, status conference. General Electric International, Inc. (“GE”), the Third-Party Defendant, filed a response supporting withdrawal of the reference in its entirety. Hence, the Motion to Withdraw the Reference is not opposed by any party.

2. The adversary proceeding has not been stayed pending a determination of the Motion to Withdraw the Reference, pursuant to Federal Rule of Bankruptcy Procedure 5011. A motion to stay the adversary proceeding is not pending.

3. The adversary proceeding involves both core and non-core matters. The non-core matters are inextricably intertwined with the core matters and, the parties do not consent to the

entry of a final judgment or order by the bankruptcy court in connection with the non-core matters, pursuant to 28 U.S.C. § 157(c)(2).

4. A jury trial has been requested. At least one of the parties (GE) has jury trial rights. The parties do not consent to the bankruptcy judge conducting the jury trial, pursuant to 11 U.S.C. § 157(e).

5. The bankruptcy court has not yet entered a scheduling order. On January 27, 2022, at 9:30 a.m., the parties will reconvene for a scheduling conference before the bankruptcy court. The parties intend to submit a scheduling order that contemplates global mediation for this adversary proceeding and the underlying bankruptcy case. The bankruptcy court will submit the scheduling order to the district court once it has been filed.

6. The parties are not ready for trial.

7. The bankruptcy court recommends that the district court refer all pre-trial matters to the bankruptcy court and grant the Motion to Withdraw the Reference upon certification by the bankruptcy court that the parties are ready for trial. The parties agree that the bankruptcy court should handle pre-trial matters.

END OF REPORT AND RECOMMENDATION